



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,496	08/16/2001	Curtis Generous	25622.011100CIP	1584

7590 03/22/2006

GREENBERG TRAUIG, LLP  
Suite 1200  
1750 Tyson's Boulevard  
McLean, VA 22102

EXAMINER
----------

ALAM, UZMA

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/930,496

Applicant(s)

GENEROUS ET AL.

Examiner

Uzma Alam

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-130 is/are pending in the application.  
4a) Of the above claim(s) 33-48, 118-123 and 128-130 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-32, 49-117, 124, 126 and 127 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the election of claims filed on January 13, 2006. Claims 1-129 are pending. Claims 1-32 and 124 are elected. Examiner takes this opportunity to also examine claims 49-103, 126 and 127. These claims are now grouped with the elected claims 1-32 and 124. Claims 33-48, 118-123, and 128-130 are withdrawn from consideration. Claims 1-32, 49-117, 124, 126 and 127 are pending. Claims 1-32, 49-117, 124, 126 and 127 represent a method for delivering messages over multiple communication mediums.

### ***Claim Objections***

2. Claims 13, 28, 65, 102, and 112 are objected to because of the following informalities: These claims are a repetition of their respective preceding claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 12-25, 28-32, 49-57, 65-78, 86-89, 90-95, 101, 102, 104-109, 111, 112, 124, 126 and 127 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. US Patent

Art Unit: 2157

No. 6,463,462. Smith teaches the invention as claimed including method and system for delivering messages (see abstract).

5. As per claim 1, Smith teaches a system for delivery of a message to a subscriber over multiple communications channels comprising:

means for accepting the message from a sender (client sending a request to a server; column 4, lines 1-30);

means for determining a sequence of the communications channels for delivery of the message based on a subscriber profile (based on a profile, server sending the message to various recipient locations; column 4, lines 1-30); and

means for delivery of the message over at least one of the communications channels until acknowledgement of message receipt by the subscriber (message sent to recipient server waits for an acknowledgement; column 4, lines 36-44; column 4, lines 58-63).

6. As per claim 49, Smith teaches a system for delivery of a message to a subscriber comprising:

means for accepting the message from a sender (column 4, lines 15-24);

means for adding an expiration time to the message for delivery of the message (column 2, lines 36-41; column 6, lines 31-40); and

means for delivery of the message to the subscriber prior to the expiration time (column 2, lines 36-41; column 6, lines 31-40);

Art Unit: 2157

means for receiving acknowledgement of message receipt by the subscriber (message sent to recipient server waits for an acknowledgement; column 4, lines 36-44; column 4, lines 58-63).

7. As per claims 2 and 50, Smith teaches the system of claims 1 and 49, wherein the message includes at least one of an email, an Instant Message, a video, a fax, a page and a voice message (column 4, lines 36-56; column 8, lines 51-58).

8. As per claims 3 and 52, Smith teaches the system of claims 1 and 49, wherein the communications channels are tried sequentially until delivery of the message is acknowledged (column 2, lines 28-35; column 4, lines 64-67).

9. As per claim 4, Smith teaches the system of claim 1, wherein the message is sent out simultaneously over all communications channels designated by the subscriber in the subscriber profile (column 6, lines 1-39).

10. As per claims 5, 51 and 54, Smith teaches the system of claims 1 and 49, wherein the communications channels include at least one of Instant Messenger, cellular telephone, telephone land line, email, fax, pager and voice message (column 6, lines 1-39; column 8, lines 51-58).

11. As per claims 6 and 55, Smith teaches the system of claims 1 and 49 wherein the acknowledgement includes positive acknowledgement (column 7, lines 10-32; column 11, lines

8-16).

12. As per claim 7, Smith teaches the system of claim 1, wherein the acknowledgement includes negative acknowledgement (column 7, lines 10-32, column 11, lines 8-16).

13. As per claims 8 and 56, Smith teaches the system of claims 1 and 49, wherein the message is converted to a form suitable to the communications channel being used (column 6, lines 11-60; column 8, lines 2-59).

14. As per claims 9 and 57, Smith teaches the system of claims 1 and 49, wherein the message is converted from character-based to sound-based for delivery to a voice message (column 1, lines 48-65; column 11, lines 29-42).

15. As per claims 12, 13, 65, 66 Smith teaches the system of claims 1 and 49, further including means for monitoring functioning of networks, wherein communication channel selection for the delivery of the message is based on the monitoring (column 7, lines 9-33; column 11, lines 43-67).

16. As per claims 14 and 67, Smith teaches the system of claims 1 and 49, wherein the means for delivery monitors at least one of the following message delivery status indicators in order to select an optimal communication channel for the delivery of the message: Received for assembly, Assembled, Not Assembled, Reason Not Assembled, Sent via DA/Delivered, Sent via

Art Unit: 2157

DA/Queued, Sent via DA/Rejected, and Sent to Assembled Message data store (column 4, lines 15-24, lines 64-67; column 11, lines 4-67).

17. As per claims 15 and 68, Smith teaches the system of claims 1 and 49, wherein the message is delivered based on at least one of subscriber geographical information, subscriber ZIP code, subscriber City, subscriber State, subscriber Country, and subscriber Phone number Area Code, subscriber Time zone data, and subscriber Latitude/Longitude data (column 4, lines 36-56; column 6, lines 24-40).

18. As per claims 16 and 69, Smith teaches the system of claims 1 and 49, further including at last one of the following capabilities: Time Lapse, the message must be read within a certain time, and the message be read from a specific device (column 4, lines 36-57; column 5, lines 22-29; column 6, lines 1-30; column 7, lines 10-31).

19. As per claim 90, Smith teaches the system for delivery of a message to a subscriber over multiple communications channels comprising:

means for accepting the message from a sender (client sending a request to a server; column 4, lines 1-30);

means for adding a channel-dependent tracking ID to the message (column 6, lines 46-67;

means for determining a sequence of the communications channels for delivery of the message based on a subscriber profile (based on a profile, server sending the message to various recipient locations; column 4, lines 1-30); and

means for delivery of the message over at least one of the communications channels (message sent to recipient server waits for an acknowledgement; column 4, lines 36-44; column 4, lines 58-63).

20. As per claim 91, Smith teaches the system of claim 90, wherein the message includes at least one of an email, an Instant Message, a video, a fax, a page and a voice message (column 4, lines 36-57; column 8, lines 51-59)

21. As per claim 92, Smith teaches the system of claim 90, wherein the communications channels are tried sequentially until delivery of the message is acknowledged (column 2, lines 29-35; column 4, lines 64-67).

22. As per claim 93, Smith teaches the system of claim 90, wherein the message is sent out simultaneously over all communications channels designated by the subscriber in a subscriber profile (column 6, lines 1-39).

23. As per claim 94, Smith teaches the system of claim 90, wherein the communications channels include at least one of Instant Messenger, cellular telephone, telephone land line, email, fax, pager and voice message (column 6, lines 1-39; column 8, lines 51-59).

24. As per claim 95, Smith teaches the system of claim 90, further including means for acknowledgement of message receipt by the subscriber (column 7, lines 10-31; column 11, lines



Art Unit: 2157

8-16).

25. As per claims 101 and 102, Smith teaches the system of claim 90, further including means for monitoring functioning of networks, wherein communication channel selection for the delivery of the message is based on the monitoring (column 7, lines 10-31; column 11, lines 43-67).

26. Claims 17-25, 28-32, and 124 are rejected with the same rationale as claims 1-9 and 12-16.

27. Claims 70-78 and 86-89 and 126 are rejected with the same rationale as claims 49-57 and 65-69.

28. Claims 104-109 and 111-112 and 127 are rejected with the same rationale as claims 90-68 and 101-102.

### ***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 10, 11, 26, 27 58-64, 79-85, 96-100, 103, 110 and 113-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. US Patent No. 6, 463, 462 in view of

Art Unit: 2157

Malkin et al. US Patent No. 6,643,684. Malkin teaches the invention as claimed including an email system having time parameters (see abstract).

31. As per claims 10 and 58, Smith teaches the system of claims 1 and 49. Smith does not teach wherein the message includes a tag. Malkin teaches wherein the message includes a tag. See column 9, lines 3-21. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message header of Smith with the tag of Malkin. A person of ordinary skill in the art would have been motivated to do this to be easily able to convert between formats.

32. As per claims 11 and 59, Smith and Malkin teach the system of claims 10 and 49, Smith does not teach wherein the tag includes a message delivery expiration time. Malkin teaches the tag include a message delivery expiration time. See column 2, lines 63-67, column 7, lines 1-10. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message header of Smith with the tag of Malkin. A person of ordinary skill in the art would have been motivated to do this to be easily able to convert between formats.

33. Claims 26 and 27 are rejected with the same rationale as claims 10 and 11.

34. As per claims 60-64, Smith and Malkin teach the system of claim 58. Smith does not teach wherein the tag includes globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tag is dependant on a

communication channel chosen for delivery of the message. Malkin teaches wherein the tag includes globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tag is dependant on a communication channel chosen for delivery of the message. See column 2, lines 63-67, column 7, lines 1-10, column 9, lines 3-21.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the information in the tags of Malkin with the header of the message of Smith. A person of ordinary skill in the art would have been motivated to do this to easily convert a message between formats and to consolidate messages based on the information (Smith, column 5, lines 60-67).

35. Claims 79-85 are rejected with the same rationale as claims 58-64.

36. As per claim 96-100, Smith and Malkin teach the system of claim 90. Smith does not teach wherein the tracking ID includes expiration time, globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tracking ID is encoded. Malkin teaches wherein the tracking ID includes globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tag is dependant on a communication channel chosen for delivery of the message. See column 2, lines 63-67, column 7, lines 1-10, column 9, lines 3-21.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the information in the tags of Malkin with the header of the message of

Art Unit: 2157

Smith. A person of ordinary skill in the art would have been motivated to do this to easily convert a message between formats and to consolidate messages based on the information (Smith, column 5, lines 60-67).

37. Claims 110, 113-117 are rejected with the same rationale as claims 96-100 and 103.

### *Conclusion*

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Austin, US Patent No. 6,157,924.

Nicolls et al. US Patent No. 6,662,232.

Delaney et al. US Patent No. 6,842,772.

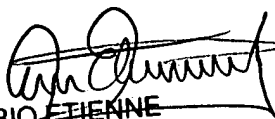
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam  
UA  
March 15, 2006

  
ARIOLETTIENNE  
PRIMARY EXAMINER